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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number

09/806,370

Filing Date

October 3, 2001

First Named Inventor

Holmes et al.

Art Unit

1845

Examiner Name

V. Portner

Attorney Docket Number

33,383-00

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

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Change of Correspondence Address

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Terminal Disclaimer

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Request for Refund

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CD, Number of CD(s) \_\_\_\_\_

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After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☒Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify  
below):

Remarks

Customer No. 38199

Please charge \$500.00 Notice of Appeal Fee to Deposit Account No. 08-3040

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

HOWSON AND HOWSON

Signature

*Mary E. Bak*

Printed name

Mary E. Bak

Date

June 29, 2005

Reg. No.

31,215

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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*Kelly A. Karstaedt*

Typed or printed name

Kelly A. Karstaedt

Date

June 29, 2005

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JUN 29 2005

PTO/SB/31 (04-05)

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>33,383-00</b>	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>June 29, 2005</u> Signature <u>Kelly A. Karstaedt</u> Typed or printed name <u>Kelly A. Karstaedt</u>		In re Application of <b>Holmes et al.</b>	
		Application Number <b>09/806,370</b>	Filed <b>October 3, 2001</b>
		For <b>Mutant Forms of Cholera...</b>	
		Art Unit <b>1645</b>	Examiner <b>V. Portner</b>
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <b>500.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		06/30/2005 MBINAS \$ <del>00000025-003040</del> 09806370	
<input type="checkbox"/> A check in the amount of the fee is enclosed.		01 FC:1401 500.00 DA	
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>08-3040</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>			
I am the			
<input type="checkbox"/> applicant/inventor.		<u>Mary E. Bak</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<u>Mary E. Bak</u> Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>31,215</u>		<u>(215) 540-9200</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34, _____		<u>June 29, 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

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